



DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	AUDIT AND STANDARDS COMMITTEE	17 MARCH 2022	8
CONSTITUTION REVIEW			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Article 13 of the Constitution directs that *“the Monitoring Officer will review the Constitution every three years and seek its formal re-adoption by the Council.”*

It is three years since the council last concluded its last review of the constitution and therefore it timely to start the process of review, especially considering the new governance changes to be implemented following the May 2023 local election.

The Monitoring Officer, together with the Head of Governance, worked on the last constitution review through a cross-party Working Group and it suggested that this approach is emulated once more.

RECOMMENDATIONS

That a cross-party Working Group be established comprising Councillors Karen Buckley (Leader), Roger Small (Deputy Leader), Elizabeth Oades (Leader of the Opposition), Matthew Lee, Ellie Gaunt (Chairman of the Audit and Standards Committee) and Ed Nash (Vice-Chairman of the Audit and Standards Committee) to undertake a time-bound piece of work to review the constitution, proposing any changes to the Audit and Standards Committee for its agreement, prior to the council being invited to endorse any changes prior to the May 2023 local election.

SUMMARY OF PREVIOUS DECISIONS

2018 - establishment of cross-party Working Group, for time-bound piece of work, in relation to the previous Constitution refresh (final recommendations made in 2019)

2020 – council approval of submission to the Local Government Boundary Commission on proposed number of elected members post 2023, together with governance model.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	√
Environment – To deliver services customers expect	√
Efficiency – By spending money in the most efficient way	√
Tourism – To create a great place to live and visit	√

The constitution cuts across all council activity; hence this report identifies a link with all the council's corporate priorities.

REPORT

1. Article 13 of the Constitution outlines that "the Monitoring Officer will review the Constitution every three years and seek its formal re-adoption by the Council."
2. It is three years since the council adopted changes from the last review, and therefore it timely to begin the next review, especially considering the new governance changes to be implemented following the May 2023 local election.
3. In the intervening period between the three-yearly reviews, the Monitoring Officer has a duty to keep the constitution under review. Where substantive changes are proposed the Monitoring Officer reports these to Audit and Standards Committee, and with any respective recommendations referred to council for consideration. This occurs periodically as the need arises.
4. Where the changes are to reflect a change in the law, job titles, structures, rearrangement of job responsibilities or general administrative conveniences, the Monitoring Officer has delegated authority to make those amendments. Such amendments are notified to councillors and the published constitution is amended.
5. The constitution directs the Monitoring Officer to conduct the three-yearly review. In this regard the Monitoring Officer considers it would be useful to work with members on the review as in previous constitution refreshes, particularly considering the forthcoming governance changes to be implemented post May 2023 local elections. These governance changes coincide with the reduction in council members to 37 in number from 2023 onwards because of the final report of the Local Government Boundary Commission.
6. Members will recall that in terms of the revised governance system that the council will continue to operate a committee system, as it is bound to do this until 2025, because of a governance referendum that was held in 2014. For this reason, it is not possible to consider executive forms of governance. However, the current arrangements will be refined.
7. The current committee system currently comprises 4 programme committees with no direct overview and scrutiny arrangements. As a part of the council's agreed submission to the Local Government Boundary Commission, the council has determined it will opt back into scrutiny with two scrutiny committees together with one singular overarching policy committee. This policy committee will deal with a cross-section of issues, thereby allow its membership to build up a broader corporate perspective of all issues. It is also intended that a number of members on the policy committee will be nominated lead members with special responsibility positions held. These members will lead on specialisms or corporate themes thereby ensuring that appropriate support is offered to the chairman and vice-chairman of the committee so as not to overburden them and share responsibility more broadly. There will also be a range of regulatory arrangements in place as is currently the position (planning, licensing, public protection, audit and governance and standards). A key part of the Working Group will be to develop Terms of Reference of the new committees to be established. The new governance arrangements are shown in diagram format at Appendix 1 (the numbers shown against the respective committees are indicative only as this will be dependent on the political balance arrangements of the council post its 2023 election).
8. There has also been an undertaking to consider other issues such as the Rules of Procedure in so far as they relate to remote attendance provisions as a part of the Working Groups discussions.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report
Legal	There are no implications arising directly from this report
Community Safety	There are no implications arising directly from this report

Human Rights and Equalities	There are no implications arising directly from this report
Sustainability and Environmental Impact	There are no implications arising directly from this report
Health & Safety and Risk Management	There are no implications arising directly from this report

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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Final report of the Local Government Boundary Commission	November 2021	lgbce.org.uk/all-reviews/north-west/lancashire/fylde

